

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Amy Philbrick, LLC

v.

Civil No. 06-cv-254-JD

S/V Niobe, et al.

O R D E R

After its commercial fishing boat, the Amy Philbrick, rescued the S/V Niobe at sea, Amy Philbrick, LLC, brought an admiralty action against the owners of the S/V Niobe seeking ownership and possession and a salvage award. The named defendants are the S/V Niobe, a forty-one foot fiberglass Seawolf Ketch; the estate of Stephen Woods, and Deborah Woods. Amy Philbrick, LLC, moves for entry of default against the S/V Niobe and the estate of Stephen Woods.¹ No response was filed.

"When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default. Fed. R. Civ. P. 55(a). A warrant in rem was issued against the S/V Niobe

¹The motion also seeks default against all other potential claimants to an interest in the S/V Niobe. Because other potential claimants are not parties, default is not appropriately sought as to them. Fed. R. Civ. P. 55(a).

on July 20, 2006, and the warrant was served by the United States Marshals Service on July 25, 2006. Deborah Woods was served at the same time both individually and in her capacity as the representative of the estate of Stephen Woods. A notice of arrest of the S/V Niobe was published in the Manchester Union Leader on August 22, 2006.

Deborah Woods filed her answer, pro se, on August 28, 2006. No response was filed on behalf of the S/V Niobe or the estate of Stephen Woods. Therefore, because neither the S/V Niobe nor the estate of Stephen Woods has responded to the complaint filed by Amy Philbrick, LLC, they have defaulted.

Conclusion

For the foregoing reasons, the plaintiff's motion for entry of default (document no. 27) is granted. The clerk of court shall enter default as to the S/V Niobe and the estate of Stephen Woods.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

June 28, 2007

cc: Edmond J. Ford, Esquire
William H. Welte, Esquire
Deborah L. Woods, pro se